

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action referenced above. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1-20 are pending in the application. Claims 1, 14 and 18 have been amended. Claims 3, 4, and 20 have been cancelled. Assignee submits that cancellation of subject matter above is without prejudice as the same or similar subject matter is intended to be pursued in a Continuation Application based on the present application.

The amendment is fully supported by the original disclosure. No new matter has been introduced.

Allowable subject matter

The Examiner has indicated that claims 9-17 are allowed and that claims 4 and 20 would be allowable if rewritten in independent form.

In response, Assignee has amended independent claim 1 to incorporate the limitations from allowable dependent claim 4. Accordingly, Assignee submits that claim 1 as amended distinguishes over the cited references. Similarly, dependent claims 2 and 5-8 distinguish over the cited references on at least the same or similar basis as claim 1.

Likewise, Assignee has amended independent claim 18 to incorporate the limitations from allowable dependent claim 20. Accordingly, Assignee submits that claim 18 as amended distinguishes over the cited references. Similarly, dependent claim 19 distinguishes over the cited references on at least the same or similar basis as claim 18.

The Examiner's statements of reasons for allowance are hereby acknowledged by Assignee. Assignee agrees that the claimed subject matter is patentably distinct from the

documents cited by the Examiner; however, Assignee takes no position regarding the reasons for allowance presented by the Examiner, other than the positions Assignee may have previously taken during prosecution of the above-referenced patent application. Therefore, the Examiner's reasons for allowance should not be attributed to Assignee as an indication of the basis for Assignees' belief that the claims are patentably distinct. Furthermore, it is respectfully asserted that there may also be additional reasons for patentability of the claimed subject matter not explicitly stated in this record. While in accordance with 37 C.F.R. §1.104(e), a failure by the Assignee to disagree with the Examiner, or file more detailed comments, does not give rise to any implication that the Assignee agrees with or acquiesces in the reasoning of the Examiner, here, by this document, Assignee is expressly making clear that no such agreement or acquiescence is present.

Claim rejections - 35 USC §102(b)

Claims 1, 2, 5, 6, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kahn et al. (US Pat. No. 5,864,130).

Assignee has amended independent claim 1 to incorporate the limitations from allowable dependent claim 4. Accordingly, Assignee submits that claim 1 as amended distinguishes over the cited references. Similarly, dependent claims 2, 5, and 6 distinguish over the cited references on at least the same or similar basis as claim 1.

Likewise, Assignee has amended independent claim 18 to incorporate the limitations from allowable dependent claim 20. Accordingly, Assignee submits that claim 18 as amended distinguishes over the cited references.

Claim rejections - 35 USC §103(a)

Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. (US Pat. No. 5,864,130) in view of Lennemann et al. (US Pat. No. 4,609,818).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. (US Pat. No. 5,864,130) in view of Nada et al. (US Pat. No. 6,305,608).

Assignee submits that dependent claims 3, 7 and 8 distinguish over the cited references on at least the same or similar basis as claim 1, as discussed above.

Likewise, Assignee submits that dependent claim 19 distinguishes over the cited references on at least the same or similar basis as claim 18, as discussed above.

It is noted that claimed subject matter may be patentably distinguished from the cited references for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

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Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, James J. Lynch, at (503) 439-6500 if there remains any issue with allowance.

Additional fees

Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-3703.

Respectfully submitted,
Attorney for Assignee

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